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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/777,290

02/11/2004

Anthony E. Zank

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05/06/2008

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EXAMINER

CHAWAN, SHEELA C

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/777,290	Applicant(s) ZANK ET AL.	
	Examiner SHEELA C. CHAWAN	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19- 22, 26- 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19- 31, 33- 35, 40- 41, 43-45 is/are rejected.
- 7) ☒ Claim(s) 32, 36- 39, 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/1/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

1. Applicants hereby elect to prosecute the invention of Group II, encompassing pending claims 19-22 (as amended) and new claims 26-45. The Restriction filed on 1/11/08 is acknowledged.

Response to Amendment

2. Applicant's amendment filed on 1/11/08 has been entered and made of record.

In response to applicant's submission of Replacement Drawings and correction of abstract, the objections are withdrawn.

Response to Arguments

3. Applicant's arguments see page 17 and 19, of the remarks, filed on 1/11/08 is acknowledge, with respect to the rejection of claims 1-25 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of O"Gorman et al., (US. 6,970,584 B2).

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 10/01/07 has been considered by the examiner.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 19- 26, 28-29, 31, 40, 43-45, are rejected under 35 U.S.C. 103(a) as being unpatentable over of O’Gorman et al., (US. 6,970,584 B2), in view of Daniel (US. 6,622,014).

As to claim 19, O’Gorman discloses enclosure and biometric data collection for fingerprint sensor device comprising: a housing having an exterior surface and an interior surface (Fig 4B), said housing comprising:

- a. compartment inside the housing (fig 1A);
- b. a door (fig 1A, 1B 1C 110 corresponds to door, fig 5A, column 5, lines 34-44, fig 1A,110) attached to the housing which provides access to the compartment (fig 1, 100 enclosure corresponds to housing);
- c. a device for capturing data in electronic form in said compartment (fig 1B, 130 sensor);
- f. wherein the data is selected from the group consisting of fingerprint data

(fig 7, 710 and 720, finger on the sensor capturing fingerprint image), signature data, voiceprint data, data in magnetic form, digital photographic data, alphanumeric data, data from a breathalyzer, and data stored in a smart card.

e. a memory for storing said data (column 2, lines 35-44, column 6, lines 13-38);

O'Gorman is silent about d). a wireless communications device for communicating data from the device for capturing data to a second device.

Daniel discloses Method for authorizing a communication between at least two devices. The system comprises of: d). a wireless communications device for communicating data from the device for capturing data to a second device (note, telecommunication system according to the invention is characterised in that said first device comprises a first transceiver and said second device comprises a second transceiver for exchanging signals between both devices. Both transceivers can be based upon wireless technology where authorization and/or identification process is realized via a wired connection and that in a system based upon wired technology said authorization and/or identification process is realized via a wireless connection (column 4, lines 40- 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified O'Gorman to include a wireless communications device for communicating data from the device for capturing data to a second device. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified O'Gorman by the teaching of Daniel in order to provide a method for

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coupling device having a mutual confidential relationship in a user-friendly way without endangering the confidential character, as suggested by Daniel at column 1, lines 61-64).

As to claim 44 see the rejection of claim 19 above.

As to claim 20 O’Gorman discloses the transport system of claim 19, wherein the device for capturing data in electronic form is adapted to detect data which indicates that a user of the device is under duress (fig 7)

As to claim 21 Daniel discloses the transport system of claim 19, further comprising the second device, wherein the second device includes a receiver (column 3, lines 42- 56).

As to claim 22, Daniel discloses the transport system of claim 19, further comprising the second device, wherein the second device includes a transceiver (column 2, lines 15-19).

As to claim 26, O’Gorman discloses the transport system of claim 19, wherein the memory is contained in the device for capturing data (fig 7, 710, 720).

As to claim 28, Daniel discloses the transport system of claim 19, further comprising the second device, wherein the memory is contained in the second device (column 5, lines 13-19).

As to claim 29, Daniel discloses the transport system of claim 19, wherein the memory is contained in the wireless communications device (* column 5, lines 20- 24).

As to claim 31, O’Gorman discloses the transport system of claim 19, wherein the door is an integral part of the housing (fig 1, 100 enclosure corresponds to housing).

As to claim 40, O’Gorman discloses the transport system of claim 19, wherein the device for capturing data is fixedly attached to the compartment (fig 1A).

As to claim 45, Daniel discloses the transport system of claim 44, wherein the communications device communicates through a physical connection selected from the group consisting of an I/O port, a USB hub, and a serial port (abstract, column 5, lines 35- 65).

6. Claims 27, 30, 33-35, 41 and 43, are rejected under 35 U.S.C. 103(a) as being unpatentable over of O’Gorman et al., (US. 6,970,584 B2), in view of Daniel (US. 6,622,014) , as applied to the claims above 19- 26, 28-29, 31, 40, 43-45, and further in view Black (US. 6,539,101 B1).

Regarding claim 27, O’Gorman discloses enclosure and biometric data collection for fingerprint sensor device. O’Gorman is silent about wherein the memory is contained in a stylus. Black discloses a method for identity verification. The system comprises of: the transport system wherein the memory is contained in a stylus (fig 16, data processing correspond to memory, column 11, lines 28- 30, insert 50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified O’Gorman to include the transport system wherein the memory is contained in a stylus .It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified O’Gorman by the

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teaching of Black in order to authenticating the identification of a person using biometric means, and more particularly, for use at point-of-sale terminals, for use in various closed environments, for accessing a computer network, for applications involving pen-based computers and smart-pens, and for e-commerce, as suggested by Black at column 1, lines 30 - 35).

As to claim 30, Black discloses the transport system of claim 19, wherein the memory is a storage buffer (column 11, lines 50- 62).

As to claim 33, Black discloses the transport system of claim 19, wherein the compartment is adapted to transport medication for an individual (column 24, lines 64- 67, column 25, lines 1-4).

As to claim 34, Black discloses the transport system of claim 19, further comprising a stylus, wherein the compartment is adapted to carry a stylus (abstract, column 4, lines 48- 49).

As to claim 35, Black discloses the transport system of claim 10, wherein the stylus is reversibly attached to a surface of the compartment (fig 17 A, column 8, lines 24- 25).

As to claim 41, Black discloses the transport system of claim 19, wherein the device for capturing data is reversibly attached to the compartment (fig 17A, column 8, lines 24- 25).

As to claim 43, Black discloses the transport system of claim 19, wherein the data is alphanumeric data and the device for capturing data in electronic form is

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selected from the group consisting of a keypad and a touch screen (column 18, lines 27- 33).

Allowable Subject Matter

7. Claims 32, 36 - 39, and 42, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As to claim 32, discloses the transport system of claim 19, wherein the housing is adapted to be transported through a pneumatic tube.

As to claim 36, the transport system wherein the surface of the compartment has attached thereto a first piece of hook-and-loop material and the stylus has attached thereto a corresponding second piece of hook-and-loop material to which the first piece becomes reversibly bound when brought into contact with the second piece.

As to claim 37, the transport system wherein the compartment further comprises a foam material adapted to restrain the stylus when the door is in a closed position.

As to claim 38, the transport system additionally comprising a global positioning system.

As to claim 39, the transport system wherein the global positioning system provides location data to a computer in the housing, and wherein a remote alarm circuit is activated by the remote computer when the location data indicates that the housing is beyond a predetermined distance from a predetermined location.

As to claim 42, the transport system of claim 1, further comprising an optical switch, said switch comprising: a pair of posts attached to a surface of the compartment, wherein one of said posts includes an infrared emitting diode and the other of said posts includes a sensor, and wherein a beam of infrared light is transmitted from the diode to the sensor; and
an opaque material attached to the door, wherein when the door is in a closed position the opaque material is positioned in between the pair of posts and blocks the beam of infrared light.

Other prior art cited

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katz et al., (US.2002/0055906 A1) discloses method and apparatus for intelligent selection of goods and services in telephonic and electronic commerce.

Moreno(US.6,882,269 B2)discloses system and method for remotely coordinating the secure delivery of goods.

Wang et al., (US. 2002/0023215 A1) discloses electronic transaction systems and methods therefor.

Michener et al., (US. 2005/0010786 A1) discloses trusted authorization device.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sheela C Chawan/

Primary Examiner, Art Unit 2624

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